

Appl. No. 10/777,652
Response dated February 1, 2006



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	10/777,652)	
)	
Applicants:	Chee-Keung CHUNG)	TC/A.U.: 1651
)	
Filed:	February 13, 2004)	Examiner: Ware, Deborah K
)	
Title:	EXTERNAL PREPARATION FOR SKIN CONTAINING OLEAGINOUS SUBSTANCES EXTRACTED FROM GANODERMA LUCIDUM AND METHODS OF USING THE SAME)	Customer No.:
)	*23639*
)	PATENT TRADEMARK OFFICE
)	
Docket No.:	GR7043592001)	
	(formerly 33229-200486))	
)	

Honorable Commissioner for Patents
Alexandria, VA 22313
Mail Stop Amendment After Final

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

The owner, Enhan Technology Holding International Co., Ltd., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior U.S. Patent No. 6,440,420 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted to said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

2. ☒ The undersigned is an attorney of record. Reg. No. 43,538
☒ The Commissioner is hereby authorized to charge the amount of **\$65.00** for payment of the terminal disclaimer fee as required by 37 CFR 1.20 (d) to, or any additional fees due to, or credit any overpayment to Deposit Account No. 50-2518.
☒ PTO suggested wording for terminal disclaimer was
☒ unchanged.
☐ changed (if changed, an explanation should be supplied).

Respectfully submitted,



Date: February 1, 2006

Fei-Fei Chao, Ph.D. (Reg. No. 43,538)
Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111-4067
Tel.: (202) 778-3179
Fax: (202)-778-6155

Appl. No. 10/777,652
Amdt. dated February 1, 2006
Reply to Office action of September 20, 2005



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REQUEST FOR REPLACEMENT OF TERMINAL DISCLAIMER

Sir:

On January 31, 2006, Applicants filed a terminal disclaimer in response to Examiner Ware's request. The heading of the terminal disclaimer, however, was incorrectly prepared. Applicants therefore resubmit this terminal disclaimer to correct the inadvertent mistake.

In view of the foregoing, the objection and rejections have been overcome and the claims are in condition for allowance, early notice of which is requested. Should the application not be passed for issuance, the examiner is requested to contact the applicant's attorney to resolve the problem.

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